

AM-100802USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/626,943 Confirmation No.: 3231
Applicant : Rubino et al
Filed : July 25, 2003
TC/A.U. : 1611
Examiner : Greg Polansky
Customer No. : 38199
Title : PARENTERAL CCI-779 FORMULATIONS
CONTAINING COSOLVENTS, AN ANTIOXIDANT, AND A
SURFACTANT (As Amended)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant submits to the Examiner the attached Form PTO/SB/08A/B document listing and this paper pursuant to 37 CFR § 1.56 and § 1.97-1.98. Form PTO/SB/08A/B is attached and copies of the documents are enclosed herewith. This Information Disclosure Statement is submitted more than three months from the filing date of this patent application and after a receipt of an office action on the merits. Therefore, a fee of \$180.00 is believed due.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

REMARKS

US Patent Application No. 11/642,029, filed December 19, 2006 published under US Patent Application Publication No. US-2007-0142422-A1 on June 21, 2007 is a co-pending and related US Patent application. A copy of the above application is not provided as it is contained in the USPTO IFW system (*see* MPEP §609.04(a)II.C.) However, a copy of the response filed on August 28, 2008 in that application is attached.

Please note, documents CJ, CK and CL are resubmitted. Documents CK and CL were cited in the counterpart Japanese Office Action and enclosed herewith are partial English translations provided by our Japanese agent. Further, although translations were not previously provided, comments on the foreign language documents were provided in accordance with the rules.

The month of publication for documents (CK) and (CL) could not be determined. The years of publication for these documents are sufficiently earlier than the effective US filing date and/or the foreign priority date of the present application so that the particular month of publication of the documents is not in issue (MPEP 609).

The Examiner is respectfully requested to consider the enclosed document identified in this paper and in the attached Form PTO/SB/08A/B during the course of examination of this application.

Respectfully submitted,

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